Industrial Problems
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Christianity and Industry: Eleven

THE DENIAL OF CIVIL LIBERTIES IN THE COAL FIELDS

BY

WINTHROP D. LANE

NEW YORK
GEORGE H. DORAN COMPANY

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CONTENTS

CHAPTER		PAGE
	INTRODUCTION	v
I	CIVILIZATION IN THE SOFT COAL FIELDS	1
II	CONTROL THROUGH LEASES	5
III	INSECURITY OF RESIDENCE	10
IV	PRIVATELY PAID DEPUTY SHERIFFS	13
V	HOW THE DEPUTIES EARN THEIR PAY	20
VI	"YELLOW DOG" CONTRACTS	24
VII	CIVIL LIBERTIES AND INJUNCTIONS	26
VIII	SUPPRESSING MEETINGS IN PENNSYLVANIA	29
IX	THE NATIONAL GUARD OF ALABAMA	33
X	WHAT CAN BE DONE?	38

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INTRODUCTION

A very striking public statement was recently made,—and very few people understood its importance. A United States government commission told the people of this country that ordinary, elementary, civil rights are denied to many persons working in a great fundamental American industry. This industry is coal, and the commission which stated the fact was the United States Coal Commission, the first official body ever appointed solely to study and report on the coal industry.

The assertion of the Commission is striking for two reasons,—first, because it involves those essential, simple rights necessary to a tolerable life for anyone; and second, because the fact of their wholesale denial in various mining sections came with the high authority of a conservative official body after exhaustive study.

The Commission found this denial of civil rights to be a very serious thing. It said it is one of the causes of the "friction which from time to time has stopped the machinery of production" in the soft coal fields. Like most situations involving human beings, it has effects far removed from its causes. It is a matter of practical import to the whole nation.

The rights which are denied coal-miners in these districts are those plain, decent, expected rights that every one feels he must have in order to be a self-respecting member of the community. They are a special heritage and prized possession of the Anglo-Saxon peoples. Among them are such rights as free association with others, freedom to move about from place to place without interference, freedom to talk about the things that interest you, freedom to assemble with others—in a word, freedom to carry on your own life as you see fit so long as you break no law and do not interfere with the rights of others. Among them is freedom from spies, eavesdropping and persecution by those whose interests may be affected by what you think or do.

The Coal Commission, which came into existence September 22, 1922, was directed by Congress to study various phases of the coal industry. It spent a year on the work and made a number of reports. These reports are likely to become the basis of legislation and other action.

The members of this Commission were conservative. They were neither coal operators nor representatives of the miners. Presumably they had no axe to grind. They were: John Hays Hammond, eminent engineer, chairman; Thomas R. Marshall, former vice-president of the United States; George Otis Smith, well-known geologist; Clark Howell, editor of a Georgia newspaper; Edward T. Devine, social worker and writer on social subjects; and Charles P. Neill, former Commissioner of Labor of the United States.

The denial of civil rights in parts of the soft coal fields, to which the members of this Commission call attention, is in the main an aspect of the irrepressible conflict between unionism and non-unionism in those fields. "Free travel, free speech and public assemblage have been practically abridged" in parts of the coal fields, says the Coal Commission.

Of all localities in the United States where civil rights are most flagrantly violated and denied, these non-union coal districts easily take first place. In those districts the authority of the employing interests dominates the entire community. The exercise of the ordinary rights of a citizen are subject to the orders of company representatives. A man must obey or get out. His livelihood and the welfare of his family depend upon his making no protest against what in other sections would be regarded as intolerable tyranny. This condition affects a population today of over three-quarters of a million people, as widely separated as Alabama, West Virginia, Pennsylvania and Utah. Even in some unionized districts the miners' union has been practically wiped out by the operators' combined weapons of unemployment and starvation, so that like the other districts, they may be ruled by the arbitrary will of the employer. This was shown up notably in the New River Field of West Virginia in 1922 by a volunteer citizens' committee of inquiry appointed by Rabbi Stephen S. Wise of New York.

Mr. Lane's pamphlet is significant not only as a picture of life involving thousands of our fellow citizens, but it is also sharply illustrative of that conflict between industrial autocracy and political democracy which is the outstanding fact of American political life. These non-union coal districts are merely glaring examples of the raw facts which make up the substance of our industrial and political conflict. In these districts the facts stand out clear and naked. In

the greater industrial centers and in our large cities they are complicated and less apparent. The larger the community, the easier is the exercise of civil rights, generally speaking. The smaller communities, more completely controlled by one outstanding industrial interest, are creatures of the employer's will.

This condition challenges us not only because of the distress which the persons suffer who live under it, and not only because it violates the principles which we like to think control American life. It is even more significant because of the strife and violence which it ultimately breeds, and which make for future disaster in the course of inevitable industrial conflict. Already in West Virginia and in western Pennsylvania the effects are apparent. In West Virginia indignant armies of miners have twice marched toward the southern non-union coal fields, roused by the violence and tyranny of the operators. In less degree outbreaks have taken place in other non-union coal fields similarly controlled.

The issue in these non-union coal fields is not local. It is national. The industrial policy which keeps them unorganized is dictated primarily by the U. S. Steel Company and its allied interests, backed by the banking groups centering in J. P. Morgan and Company.* Resistance to trade-unionism is the essence of their industrial policy, as reflected in the Steel Corporation and the Pennsylvania Railroad. Their subsidiary companies dominate these non-union districts. They fight unionism in order to prevent the organization of the coal-fields as a whole, so that they can maintain reservoirs from which coal can be supplied, particularly in times of national strikes in the basic industries.

Ultimately all the coal fields of the United States will be organized by the unions. It is the inevitable industrial development here as in Europe, England and in other fields of industry. It will be a hard and stubborn struggle because coal is basic, and the most powerful industrial interests are arrayed against organization. No general exercise of civil rights in these coal fields is possible until the workers are organized in their unions—backed by the power of the workers in the industry as a whole—or until the coal industry is publicly regulated or owned. In the anthracite coal fields,

*Testimony of Samuel Untermeyer, W. Va. Coal Fields Senate Committee on Education and Labor, 67th Congress (S. Res. 80, 1921; pages 698–711).

which are almost 100% organized, there is little or no trouble about civil rights.

Because the reports of the Coal Commission are not available for general distribution, and also because those reports do not give the detailed evidence in regard to the denial of civil liberties, this pamphlet is written.

The information presented in it is drawn from a number of sources. Chief among these is the report of the unofficial Committee of Inquiry on Coal and Civil Liberties which was established in response to a public invitation from the Coal Commission itself to supply facts concerning the violation of civil liberties.

This committee was absolutely independent, but it was set up and financed by the American Civil Liberties Union and the League for Industrial Democracy. To the American Civil Liberties Union, the question of civil rights is the object of its existence; to the League for Industrial Democracy, the alleged violation of such rights seemed a natural consequence of industrial autocracy and the absolute control of production for profit. Both organizations wanted authentic information for themselves, for the public and for the Coal Commission.

This Committee of Inquiry consisted of Professor Zechariah Chafee, Jr., of the Law School of Harvard University; Father John A. Ryan, of the National Catholic Welfare Council; Professor Herbert A. Miller, Professor of Sociology, Oberlin College; Rev. Arthur E. Holt, Social Service Secretary of the Congregational Church; and Miss Kate Holladay Claghorn, of the New York School of Social Work. It made a detailed, documented report to the Commission; there is evidence in the report of the Commission that the work of the Committee was used by it. In addition, the Coal Commission reports are drawn upon for this pamphlet. Use is made also of the thorough study of the recent significant strike in Somerset county, Pennsylvania, made by a member of the Bureau of Industrial Research, Heber Blankenhorn, and submitted to the Coal Commission in August. Finally, access has been had to an intensive study of conditions in Logan County, West Virginia, and other parts of that state, by Jerome Davis, associate professor of sociology at Dartmouth College.

The Chafee Committee's report was largely drawn up by

Winthrop D. Lane who later familiarized himself with the findings of the Federal Coal Commission itself. Previously as a member of the staff of the New York Evening Post, as an assigned reporter for The Survey magazine, and as a member of the commission appointed by Rabbi Stephen S. Wise, of New York, to study conditions in 1922 in the New River field in West Virginia, he had spent considerable time in the non-union coal fields, where he brought vividly to light conditions of frightful poverty among the miners. He is the author of a booklet, "Civil War in West Virginia," published by B. W. Huebsch, Inc.

The statements made in this pamphlet will be found to be fully documented. Facts are presented with as little comment as possible. In the final chapter there are suggestions for ways of combating the denial of civil rights in the non-union soft coal fields.

HARRY F. WARD,
ROBERT MORSS LOVETT.

THE DENIAL OF CIVIL LIBERTIES IN THE COAL FIELDS

ONE

CIVILIZATION IN THE SOFT COAL FIELDS

I

To understand the kind of denial of civil liberties that goes on in some parts of the soft coal fields, one must first understand the civilization characteristic of such fields. From this civilization comes, with considerable directness, much of the interference with people's normal, expected rights that occurs; doubtless so grim an industrial struggle would bring interference in any setting, but the interference takes on peculiar forms and aspects from the circumstances of local civilization.

Bituminous coal is not mined in cities nor in industrial centers, except as the mining of it has in a few localities made industrial centers itself. For the most part coal is brought from the earth in remote and inaccessible regions. Mine cars traverse wooded slopes to reach the mine opening and towns of coal miners straggle along isolated, out-of-the-way valleys. The typical soft coal country is mountainous, remote, wooded, set apart from the rest of the occupations of man.

A map of this country does not reveal the kind of life that goes on there. If you look at the map of eastern Pennsylvania counties in which coal is mined, or those of southwestern West Virginia, you will be struck by the similarity between these maps and maps of other places. The same winding lines indicate rivers, the same shading stands for hills, the same dots show where towns are, the same network of straight lines stands for railways. You will imagine that the same kind of life goes on there that goes on in other parts of the country.

But you will be mistaken. These towns are not the independent, many-sided communities that most small towns are. They exist for the coal mines. They are the adjuncts and necessary accompaniments of an industry. In them everything is owned by the company that is extracting the

coal. They stand on company land; they were built by the company; the store, the movie theater, the amusement hall, the little bank if there is one, the cafe, the ice cream parlor—all are run by the company. The school is often a company-built project, and so is the church; sometimes the company supplements the salary of the teacher and helps to maintain the minister. Roads leading through the town are private property. Not infrequently the post office is a corner of the company store and the man who sells crackers and meat is the postmaster. These towns are not incorporated. The company is responsible for whatever exists in the nature of a public utility—the supply of water, the lighting, the sanitation and so forth. All this is a situation that has grown up historically. Soft coal is mined in what were once parts of a wilderness, and when the industry entered it had to bring the material elements of civilization along with it.

To live in such a town is to work in the coal mines. You cannot engage in any other occupation for the simple reason that there is no other occupation. There are entire creek valleys, indeed, whole counties and groups of counties, in which almost no other kind of town exists and in which the vast majority of people make their living solely by working in and about the mines.

A few "independent" stores, an occasional incorporated town, such as the county seat, do not mar the picture here drawn of typical parts of the soft coal fields.

II

The Coal Commission drew the picture of these towns vividly. "The topography of the country," it says, "the sparseness of the population, the isolation of the valleys one from the other, the general poverty of the counties, lack of level ground upon which to build towns, and the fact that mining machinery and equipment were usually on leased ground are all important factors in the situation. The operator had to establish his business where the coal was and bring his labor to it. He had to construct houses for his employees and furnish them with necessary appurtenances, such as water supply, and establish stores where they might purchase food and clothing. He arranged for medical attendance and hospital service, provided for schools and school-houses, employed teachers, or, at least, paid part of their wages, and endowed churches and community build-

ings. Thus, it appears that each mine or group of mines became a social center, with no privately owned property except the mine, and no public places or public highways except the bed of the creek which flowed between the mountain walls. These groups of villages dot the mountain sides down the river valleys, and need only castles, drawbridges, and donjon-keeps to reproduce to the physical eye a view of feudal days."[1]

The extent to which this control goes is emphasized also by the Children's Bureau of the U. S. Department of Labor in describing conditions affecting children in typical mining towns: "Not only isolation and the temporary nature of the settlement but other factors, also, combine to prevent the development of the mountain mining town along the lines of the ordinary small town or village. Coal mining is the sole industry, and the coal company owns and controls the town. The coal-mining company and the coal-land company own the town site and the whole surrounding territory, controlling in some cases the roads leading into the town. Practically all the houses and, as a rule, the stores and other buildings, are company owned. Sometimes even the church, if there is one, and the school-house are built by the company, which often supplements or pays in full the salaries of the pastor and the teacher. Whether conditions are good or bad depends upon the policy of the coal company and not upon the will of the inhabitants. If the policy of the company is to provide attractive houses and clean and wholesome surroundings, it is in an exceptionally good position to demand and secure immediate response to its program. If, on the other hand, company standards are below those of the community, the inhabitants may not take steps to secure clean streets, for example, or a safe water supply. They have no redress from conditions which may be intolerable, except to move into another camp."[2]

III

Now, the important thing to remember about these towns is that people live in them. They are not places where men spend a few days or even a few weeks, but they are the

[1] From Report of U. S. Coal Commission to the President and Congress, submitted September 8, 1923. This is the report on the denial of civil liberties.

[2] "The Welfare of Children in Bituminous Coal Mining Communities in West Virginia." By Nettie P. McGill. Bureau Publication No. 117, pp. 6–7.

permanent residence places of the people who mine coal. Coal miners move about from one part of the field to another, but they are far more stable than many people suppose and families frequently remain for years in the same place. Many mines are not exhausted by the generation that opens them. Moreover, if a family moves, it moves to a town just like the one it left, so that it has not changed the character of its environment. So long as the members of a family engage in coal-mining, it may spend the life of both parents and children in company-owned communities.

This ownership of men's habitations along with the mines gives coal-mining companies a peculiar power over the lives and movements of their employees. In many ways that power underlies the abridgment of rights that is the subject of this pamphlet. Without that power, coal-mining companies might achieve the same general end, namely, exclusion of the union and control over the conditions of work, that they now strive for, but the means by which they did it would vary not a little from those now used.

TWO

CONTROL THROUGH LEASES

I

Mine workers in soft coal fields live for the most part, as we have seen, in company-owned towns. This often gives to the companies a degree of control over the lives of their employees that is not consistent with the normal existence of an American citizen. One way in which this control is imposed is through the documents that pass for leases. Mine workers pay rent for the houses they occupy, and the leases are sometimes strange affairs.

One lease, used by a company in Somerset county, Pa., provides that the employee "shall not harbor or permit to use, occupy or otherwise be upon said premises, any person objectionable to the Company." It further provides that "said Employee shall upon notice and demand of the Company remove any person therefrom objectionable to the Company, and failing so to do the right of the said Employee and his family to so use and occupy said premises shall thereupon immediately cease and terminate." It is not contended that this lease is strictly enforced day in and day out. But the words give the company power to prevent the miner from receiving in his home any one whom it does not wish to have around. This is hardly in keeping with the usual notion of the rights of a person occupying a house in the United States.

Another lease, used also in Somerset county, provides:

"that any and all streets, lanes or alleys or other highways in and about said premises are private roads and are the private property of the party of the first part [the Company] subject at all times to such police rules and regulations as the party of the first part may adopt, the said party of the first part reserving to itself at all times the right and authority to keep out and away from said premises any person or persons whom it may deem necessary and expedient in the exercise of the reserved right of policing the premises and for the peace, comfort and safety of the said first party's tenants, and the party of the second part hereby agrees to any such arrangements, rules or regulations that are made, or that may be hereafter made by the said first party, its agents or

superintendent and also that said Lessee will use said demised premises as a dwelling house for himself and family and for no other purpose, and he hereby agrees not to use, allow, suffer or permit the use of the lands, or the private way or road through or over the lands of said Lessor to said house for any other purpose than that of ingress and egress from and to the public road for said Lessee and the members of his family, and to do no other act or thing, or suffer or cause the same to be done, whereby the public may be invited or allowed to go or trespass upon the ground of the Lessor."

It will be seen that this lease is even more specific in its protection of company towns from intrusion. The roadways are declared to be private property and the mine worker is obliged to agree not to use them for any purpose other than that of "ingress and egress for the members of his family."

II

No lease is so sinister in its restrictions, perhaps, as that of W. J. Rainey, Inc., a corporation of Fayette county, Pa., which specifically declares that only physicians, teamsters moving the family in and out, and undertakers, may visit the family in the home. This provides:

"And that said Lessee hereby further agrees not to use, allow, suffer or permit the use of said premises, or the private ways or roads through and over other lands of the Lessor used to reach said premises from the public road, for any purpose other than going in to said premises from the public road, and out from the same to said public road, by himself and the members of his family; and further to do no act or thing, nor suffer or cause the same to be done, whereby the public or any persons whomsoever, may be invited or allowed to go or trespass upon said premises, or upon said private ways or roads, or upon other grounds of the Lessor, except physicians attending the Lessee and his family; teamsters or draymen moving Lessee and his family belongings into said premises or away from the same; and undertakers with hearse, carriages and drivers, and friends, in case of death of the Lessee or any member of his family."

Of twenty leases used by companies mining soft coal and examined by the Committee of Inquiry on Coal and Civil Liberties, fifteen restricted the right of employees to receive in their houses persons objectionable to the coal companies. These leases were secured almost entirely at random, and it is probable that the practice is very widespread. All but three of the fifteen leases were used by companies mining coal in Pennsylvania; two were used in Alabama and one in West Virginia.

Specific condemnation is poured upon such leases by the United States Coal Commission. "The position of the

miners in company-owned houses," says the Commission, "is anomalous. They are not tenants and have no more rights than a domestic servant who occupies a room in the household of the employer." The documents "which pass for leases," it continues, "often give the company complete control over the social life of the families who live in the houses owned by the company." After quoting the clauses of the Rainey lease in Fayette county, Pa., which restricts persons who may visit the miner-tenants to physicians, teamsters and undertakers, the Commission writes of such restrictions as follows:

"Under existing laws the miners have a legal right to sign and the companies have a right to require them to sign such leases as a condition of obtaining employment. That they are ill-advised, obnoxious and inconsistent with the spirit of free local communities hardly requires argument. Self-respecting American citizens will find a way to put an end to them. In the case of a helpless, submerged working population, the legislatures of the several states might well consider making such 'leases' illegal, like any other contract which is contrary to the public interest. Self-respecting American miners, who have on other occasions shown themselves by no means contemptible defenders of their own interests, may prefer to take the remedy into their own hands and by insisting on reasonable leases, on the incorporation of their villages, and otherwise, win for themselves those elementary civil liberties which must always be won and held by free peoples for themselves rather than thrust upon them by external benevolence."

The chief significance of these remarks lies in the suggestion that "self-respecting American miners" take the remedy for such conditions into their own hands, and insist either on reasonable leases, on the incorporation of their villages or on some other way to avoid such dependence. These miners, says the Commission, must win "elementary civil liberties" for themselves. That is a challenge to the miners and, one must suppose, to the organization through which they try to make their purposes effective, namely, the United Mine Workers of America. Here is a field of activity for the miners' union in addition to keeping up wages and controlling other conditions of work. That these leases are drawn for the very purpose, in large part, of making proselyting campaigns by the union and its representatives more difficult only adds, perhaps, to the directness of the challenge to that organization.

III

Coal companies do not always deny that they try to maintain "closed" towns, especially against union representatives.

A non-union operator, writing recently in an ironic vein about a report charging the existence of closed areas, declared: "It is solemnly revealed [in the report] that certain of these company towns are actually 'closed' against organizers of the United Mine Workers of America. A better term would be 'fortified.'" Again, the Somerset County Coal Operators' Association, composed of companies doing business in Somerset county, Pa., where several of the leases already mentioned are used, submitted a brief to the U. S. Coal Commission in which the non-union employees of these companies are represented as complaining against the extent to which they are exposed to the activities of union agents. "Houses located in the so-called 'closed areas,'" says the brief, *"to which no outsider could penetrate without showing his credentials,* have been in particular demand." (Italics mine.) It is the frank admission in the italicized words here that seems important.

Credentials are actually issued frequently to persons whom the coal company does not object to having visit its company-owned town. Sometimes these go so far as to specify that the person using them is not to mention labor matters in any way. Here is the language of one issued to a traveling salesman wishing to canvass miners in towns owned by the Schwab mines, Cambria county, Pa.:

"To Whom It May Concern:

"This is to certify that Mr. ..... has personally applied to me to permission to canvass our towns of Heilwood, Glenside (No. 9 mine), and Clement (No. 11 mine) for the purpose of carrying on his business. .....

"Permission is hereby granted him, though it is understood that in so selling ..... he is not to enter into a discussion of the present labor situation, either one way or the other, with any of our employees.

"Very truly yours,

(Signed) "R. E. Abrams,

"Superintendent."

Careful mention is made, it will be noticed, of the precise places to which this drummer is allowed to go and of the condition that he is not to discuss labor relationships.

The closed town, in the form in which it is revealed in the evidence adduced in this chapter, is obviously an interference with the normal civil liberties of American citizens. That the members of the United States Coal Commission so regard it is clear. That the maintenance of such towns, with all the protection afforded by privately paid police and

other means, such as subsequent chapters discuss, is intimately related to and in a large degree the result of the conflict between unionism and non-unionism, adds an element of vital interest to the general fact. The conclusion seems clear, however, that even if one were opposed to the extension of the United Mine Workers of America into the non-union fields, he could hardly view with complacency the imposing of such restrictions as those here described upon mine workers who have nothing to do with any labor organization.

THREE

INSECURITY OF RESIDENCE

I

A second kind of control is imposed upon mine workers by such leases as those considered in the foregoing chapter. This is the enforced waiving of rights usually retained by tenants; the effect of this waiving is to rob the worker of security of residence, and to leave him almost entirely at the mercy of the company as to when he must vacate his house.

In Pennsylvania the statutes provide a definite form of proceeding by which the landlord is to regain possession of rented premises. They require that he shall serve the tenant under lease for less than a year, or for an indeterminate time, with a written notice giving him thirty days in which to leave. In every Pennsylvania lease examined by the Committee of Inquiry on Coal and Civil Liberties, the tenant is obliged to surrender the benefit of this statutory protection and to agree to leave his home in a much shorter time. Some of the leases dispense with written notice altogether. The longest time allowed by any of the Pennsylvania leases is ten days. One of them allows him a week, and most leases only five days. One obliges him to get out in one day, while the Consolidation Coal Company requires that on the termination of his employment he "shall forthwith, without notice from or demand of the Company, abandon said Premises." The company has the immediate right to remove him and his family and their goods. The Ines Coal Company, which allows the workman five days to quit after termination of employment or violation of any provisions in the lease, obliges him to agree that the company "shall be the sole judge" of his failure to perform the conditions of the lease, "without the requirement of having the said failure or refusal to be first determined by any other tribunal whatsoever."

Almost all the Pennsylvania leases contain further waivers

by the tenant. These are so drastic that a typical form of them is here quoted. The following is from a lease used by the H. C. Frick Coal Company:

"And if the possession shall not be surrendered when the Lessor is entitled to it under this agreement, or the rent be not paid where and when due, at any time, it may commence an action of ejectment for the premises; and any attorney of the Court in which such action is commenced may appear for the Lessee, and any other person or persons, if any there may be in possession of the demised premises at the time such action is commenced, accept service of the writ, and forthwith confess judgment in such action for said premises and for any rent then due and unpaid, for which this lease or a sworn copy thereof shall be his warrant, upon which judgment a writ may at once issue to restore possession of the demised premises at the time such action is commenced, accept service of the writ, and forthwith confess judgment in such action for said premises and for any rent then due and unpaid, for which this lease or a sworn copy thereof shall be his warrant, upon which judgment a writ may at once issue to restore possession of the premises to the Lessor, its successors or assigns, and for the unpaid rent and costs aforesaid. And the affidavit of a bookkeeper of the Lessor filed with the praecipe setting forth the fact of the termination of the lease, of notice to the Lessee, if any be required, and of the amount of rent in arrears, if any, shall be conclusive evidence of those facts. And all errors and defects in such judgment, and the proceedings therein, are hereby waived, and no writ of error, objection or exception, shall be taken thereto; and all exemption laws are waived as to rent and costs."

The effect of these provisions, it will be seen, is that the workman never gets a day in court to present his case. Once the company starts proceedings, judgment is entered automatically and execution may issue virtually at once. The tenant gives up his right of appeal and any exemptions of household furniture, etc. In short, the Pennsylvania courts are ousted of jurisdiction.

II

A lease of an Alabama coal company contains equally stringent provisions. The lessee is allowed only one day's notice to vacate. If he stays longer, he is liable for treble rent, and if suit is brought he must pay an attorney's fee of $25, with larger amounts on appeal.

It is interesting to consider the predicament of the mine worker forced to leave his home on a moment's notice. He has nowhere else to go. Without a job in another mining town, he cannot enter it and live there. He cannot remain where he is. Even if he could afford to rent rooms or a house from some landlord other than the mining company, he would seldom be able to find such accommodations because there are so few places not owned by the company.

He must be taken in by a friend, find a place where he can spend a few nights, or get another job at once. It is not unheard of for him to camp beside the road.

It will be observed that these provisions apply not only to mine workers who abandon their jobs voluntarily but also to those discharged. Whether or not the Pennsylvania courts regard as valid these waivers of the statutory 30-day notice and of the tenant's right to defend legal proceedings, a serious question of public welfare remains. If ownership of the miners' houses by the operators renders it essential to the interest of the operators that a workman shall lose his home practically as soon as he loses his job, this presents a grave objection to the continuance of the system of company-owned houses which ought to be weighed against the advantages of that system. The existing situation of the coal miner is in marked contrast to that of the normal American citizen, who may stay in his home so long as he pays his rent and does not ill-treat the premises.

FOUR

PRIVATELY PAID DEPUTY SHERIFFS

I

It is a common practice, in many parts of the soft coal fields where companies are hostile to unionism, for the salaries of deputy sheriffs to be paid by the coal companies. These deputy sheriffs are public officials. They take an oath of office, are presumed to represent the public impartially, and wear the badge of their authority. Their appointment is commonly approved by the county court and they are generally required to give bond. They are paid, however, by the coal companies. Often, also, the coal companies arm them. Their employment in this way is an effective weapon in the hands of the coal companies, and it is through the activities of these armed forces of deputy sheriffs that much of the infringement of civil liberties takes place in non-unionized territory.

The evidence that the salaries of these deputy sheriffs come from coal companies consists chiefly of the statements of coal operators and sheriffs themselves. There is no dispute about the fact.

In some places, coal companies pay the salaries of the deputies year in and year out, thus maintaining a permanent police force over which they have a large measure of control. In others, the companies pay salaries only on special occasions, such as strikes and campaigns of organization by the union. At such times the number of deputies in the county is likely to be greatly increased, the companies thus getting temporary control of an effective instrument for their purposes. The violation to our common notion of decent constitutional government is the same in one instance as in the other.

The following affidavit gives perhaps the most authoritative account of the way in which this practice is carried out. Its author is J. C. Hartsfield, formerly sheriff of Jefferson county, Ala. It was made by him at the request of

the Committee of Inquiry on Coal and Civil Liberties. After it has been quoted, further facts about the use of deputy sheriffs will be given.

State of Alabama,
Jefferson County.

Before me, the undersigned authority in and for said state and county, personally appeared J. C. Hartsfield, who on oath deposes and says:

"I was sheriff of Jefferson County, Alabama, for the period of four years from January 15, 1919, to January 15, 1923. Before that I had been a deputy sheriff in the same county for eight years, and before that I had been Chief of Police of Pratt City, now a part of the City of Birmingham, Jefferson County.

"It is, and for many years has been, a regular practice in Jefferson County for many companies engaged in mining coal to pay the salaries or wages of deputy sheriffs. These deputy sheriffs are commissioned by the sheriff. They take the same oath of office as do regular deputies who are paid by the county. Surety bonds of $2,000 each are supplied for them, these bonds usually being supplied by the coal companies to which they are assigned. The bonds are approved by the County Probate Judge. These deputies are thus public officials in every sense of the word. Their pay does not come from the county, however, but from the private companies or corporations to which they are assigned.

"During my term of office as sheriff the number of deputies who were on the payrolls of such companies usually exceeded the number who were being paid by the county. The pay was ordinarily given to the men direct by the companies, the money not passing through my office. At times, however, the time sheets of the companies would be sent to my office, together with checks on the companies' funds in the bank, and I would pay the men off. They received varying amounts, usually as much as the county paid or more. The county paid its deputies from $150 to $225 a month.

"I am making this statement because I do not altogether approve of this practice and what it leads to. I know the difficulties of protecting property and affording sufficient police protection in a large county, especially when the public doesn't pay for enough officers. But even while I was supplying deputy sheriffs to the coal-mining companies of Jefferson County I had serious misgivings about the uses to which these men might be put and the character of some of those supplied.

"In times of trouble or excitement the number of deputies on the private payrolls of the companies greatly increased. In September, 1920, a strike of coal miners occurred in Alabama. Alabama coal mines had worked non-union almost solidly and the United Mine Workers of America had recently carried on an organizing campaign with the object of getting Alabama miners to join the union and of securing wage agreements with the operators. When this strike occurred, many coal-mining companies asked me for a great increase in the number of deputy sheriffs assigned to them. The requests began to come in even before the strike occurred. My records show that in August, when strike talk was in the air, 54 deputy sheriffs were assigned to five coal companies.

"In September, 1920, the number went greatly beyond that. There were days when I was asked by a single company for as many as

fifty deputies or more. My records show that 741 deputies were assigned to coal companies in Jefferson County during the month of September, 1920. None of these were paid by the county. Neither were they armed by the county, the companies usually supplying arms to the deputies assigned to them.

"The companies to which these 741 deputies were assigned, and the number assigned to each, are given below. (These figures were taken from my books in my presence and, except for possible immaterial errors in addition, they are correct.)

Ajax Coal and Mining Co.	1
Alabama Co.	7
Alabama Coal Operators' Association	1
Beltona Coal Co.	15
Big Four Coal Co.	3
Birmingham-Trussville Iron Co.	2
Brookside-Pratt Mining Co.	37
Central Alabama Coal Co.	5
East Pratt Coal Co.	7
Empire Coal Co.	3
Franklin Coal Mining Co.	11
Gulf States Steel Co.	14
Majestic Coal Co.	18
Nelson-Smith Mining Co.	1
New Castle Coal Co.	1
Pratt Consolidated Coal Co.	14
Republic Iron and Steel Co.	58
Semet-Solvay Co.	9
Sheffield Iron Corporation	20
Sloss-Sheffield Steel & Iron Co.	61
Tennessee Coal, Iron and Railroad Co.	407
Woodward Iron Co.	45

"Not all of the deputies assigned in September were necessarily in the employ of the coal companies at one time. Often men would leave shortly after they had been commissioned and new men would take their places.

"The method of selecting and assigning these men was about as follows: The manager or some other official of a mine—sometimes the attorney—would call me up and say, in effect: 'Mr. Hartsfield, we want so many deputies down at our place." I would say I would see what I could do. I would then advertise in the Birmingham newspapers, apply to the employment agencies and pick men up in any other way I could. When these men appeared at my office I would question them. If there were any who seemed unfit, or whom I knew to be unfit, I would reject them. I then had the others commissioned and sent them out to the company that wanted them.

"Some of the companies, however, began to recruit their own men. They gathered them together from different places and sent them down to me in batches. I went among them and if there were any that I knew to be unfit I refused to commission them. But I couldn't always be sure when I deputized so many in a hurry.

"On September 7, the day the strike began, 67 men were deputized for the Tennessee Coal, Iron and Railroad Company. On September 14 thirty-five more were deputized for same company. On September 17 fifty were deputized for that company. On September 18 eighteen

were deputized for the Majestic Coal Company. This shows how many we commissioned at once. Many of these men I had never seen before and knew nothing about. Some of them came from other cities.

"After they were given their commissions and badges, they reported to the companies employing them, and got their arms. Among the arms which I saw privately paid deputies carrying were .38 Smith and Wesson revolvers, .44 Smith and Wesson, and army automatic pistols. Once given the standing of deputy sheriffs, these men were legally entitled, of course, to carry arms.

"Some of these men came from pool rooms and were mere loungers and hangers-on at other places. Some of them went out to the companies for which they were to work, reported, got their arms and quit in six or eight hours. Others stayed a few days and then quit. That was why a few of the larger companies had such a steady stream. One man deputized in this way was found over in Mississippi, with his commission and his badge on him. Another was found by one of my regular deputies illegally carrying whiskey along the road.

"I followed this plan and accepted it, not only because it was the practice, but also because I wanted to keep conditions in Jefferson County quiet enough to make the presence of the National Guard unnecessary. That was my reason for doing what my judgment was against.

"One reason my judgment was against this plan was that a deputy sheriff is supposed to be a representative of the people and to serve the interests of everybody impartially. But when they drew their pay from private interests, and when those interests were at conflict with another group in the community, they were under a strong temptation to be partial. They couldn't look at both sides alike. It wasn't human nature to be disinterested.

"I have mentioned Jefferson County only, because that is the only county about which I have first-hand, personal knowledge. But I know from general information that this same practice of letting coal companies pay the salaries or wages of deputy sheriffs exists in most, if not all, of the coal-mining counties of Alabama.

(Signed) "J. C. HARTSFIELD."

Subscribed and sworn to before
me this 26th day of June, 1923.
FLORRIE FOSTER (signed)
Notary Public.

II

Logan county, West Virginia, which ex-U. S. Senator Kenyon called "an industrial autocracy" and which is a non-union stronghold, is one of the places where the coal companies have maintained a permanent force of deputy sheriffs. According to the testimony of Don Chafin, Logan county sheriff, given before the Kenyon Committee, the coal companies have been paying the salaries of nearly all of the deputies of that county since 1912. In other words, they have supplied the county with its police force for eleven years. In 1920 the amount paid for these salaries, according to W. R. Thurmond, president of the Logan Coal

Operators' Association, was $46,630; this statement also was made by Mr. Thurmond to the Kenyon Committee. The next year the amount increased; during the first nine months of 1921 it was $61,517. The treasurer of the association handed monthly checks for these salaries over to the sheriff. The number of deputies so paid was given as between forty and fifty.

The Bituminous Operators' Special Committee, established to present information to the United States Coal Commission, declare in a brief submitted to that body that the paying of salaries of deputy sheriffs in Logan county is being abandoned. They say that the County Court of Logan county has appropriated money for deputies' salaries, that this money became available June 1, 1923, that since that date only four deputies have been paid from funds supplied by coal companies, and that it is the purpose of the association to cease making such payments entirely.

This evidence conflicts with other evidence of a more direct and, therefore, of a more credible nature. On July 17, 1923, J. W. Colley, secretary of the Logan Operators' Association, testified in the course of a trial in West Virginia that the association was then paying "around $7,000" a month for deputy sheriffs' salaries. He was followed by Mr. Thurmond, who was asked how much the association was contributing to the salaries of deputies and who said: "As well as I recall, at the present time it is running in the neighborhood of $7,000 a month." This is $84,000 a year, a larger amount than, according to Mr. Thurmond, was being paid two years earlier at the time of his testimony before the Kenyon Committee.

III

In many Pennsylvania counties men were specially commissioned as deputy sheriffs in large numbers to protect the companies' interests during the nation-wide coal strike of 1922. The sheriff of Clearfield county, Thomas J. Lowell, says that he appointed 65 deputies during that period. The sheriff of Washington county says that he appointed 106. The sheriff of Indiana county says he appointed 226. The sheriff of Westmoreland county, although unable to give the total number, says that 400 was the largest number of deputies serving the coal companies at any one time during the 1922 strike. These deputies, in every instance, were paid by the coal companies whose

purposes they served. All of these sheriffs gave these figures to T. Henry Walnut, a special deputy attorney general appointed by Governor Gifford Pinchot to investigate the activities of police in Pennsylvania during the coal strike.

The sheriff of Somerset county, Pa., declares in a signed statement presented to the U. S. Coal Commission, that "the total number commissioned by me during the strike was in the neighborhood of 600, possibly slightly more. Not all of these served at one time. The largest number serving at one time was about 275. These deputies were paid by the coal companies." The nation-wide strike begun April 1, 1922, was prolonged in Somerset county by local miners who were determined to win recognition from their employers, if possible. They failed, and their effort attracted considerable attention. It was throughout the year or more of this local strike that Sheriff Griffith appointed the 600 deputies mentioned in his statement.

IV

It was Fayette county, Pa., however, that broke all records in the number of men specially commissioned as deputies and paid by coal companies during the strike of 1922. This is an important coal-producing county, situated in the heart of the Connellsville coke region. Here some of the biggest mining operations exist. The companies employed detective companies and "industrial service" concerns to bring men into Fayette county as soon as the strike broke. Railroads unloaded car after car of these men. I. I. Shaw, sheriff of Fayette county, received a representative of the Committee of Inquiry on Coal and Civil Liberties in his office. To the question how many deputies he had appointed during the strike, his first answer was that the number was "about 4,500." Pressed for a more exact figure, he went to his record, a little black note book with the names of the deputies listed under the various letters of the alphabet. The totals under each alphabetical division were put on the adding machine. As a result, it was learned that during the period from April 1, 1922, when the strike began, to July 17, 1923, when the visitor called, Sheriff Shaw had commissioned as deputy sheriffs in Fayette county 6,180 men. He was surprised at the largeness of this figure. Blushing slightly at the lowness of his own guess, he said: "Well, I guess I swore in more than I thought."

To oblige the inquirer, Sheriff Shaw signed a statement containing this figure. His statement was submitted to the U. S. Coal Commission by the Committee of Inquiry. It shows, among other things, that at the time of the giving of the information, namely, July 17, 1923, between 500 and 600 deputy sheriffs were then on the pay rolls of coal companies in that county. The operators of Fayette county had not thought it wise, apparently, to get rid of their force of deputies when the strike emergency was over. Sheriff Shaw said that 2,500 deputies was the largest number on duty at one time during the period of the strike.

It has become clear, from the facts already given, that coal companies sometimes choose, or recruit, the men whom they are to employ as deputies. Companies in Fayette county employed detective agencies to round up men for them in large numbers. The former sheriff of Jefferson county, Ala., whose affidavit has been quoted, says that the general manager or even the attorney of a company would notify him that a certain number of men would come down to his office shortly for being sworn in. "Sometimes some company," wrote Sheriff Phillips, of Greene county, Pa., to Mr. Walnut, "would send us eight men to be deputized, and perhaps in a day or two some of them would not like their work." These men, then, would be replaced.

The looseness with which these deputy sheriffs were handled is further shown by the inability of some sheriffs to report on the numbers appointed. The sheriff of Westmoreland county has already been mentioned as one who could not give the total number commissioned by him and who had to content himself with a guess that 400 was the largest body in the pay of the coal companies at one time. Sheriff Phillips, of Greene county, also said that he had kept no record of the number of deputies turned over by him to coal companies. In Westmoreland county, Sheriff Black admitted that he had not required bonds of men deputized there.

FIVE

HOW THE DEPUTIES EARN THEIR PAY

I

The manner in which these deputies earn their money is no longer open to question. One has only to travel through the districts in which they are employed and to talk confidentially with residents to learn the truth; often persons connected with coal companies, also, will tell the truth. Evidence concerning their activities has reached the world outside the coal fields through investigations by state and Federal commissions, by private bodies of inquiry, and by reporters for metropolitan newspapers. Much evidence has become available also through testimony taken in criminal trials in the coal fields, especially in West Virginia.

Nearly a hundred affidavits submitted to the U. S. Coal Commission by the Committee of Inquiry on Coal and Civil Liberties set forth abuses of personal liberty by deputy sheriffs in Logan county, W. Va., alone. One of these described an assault upon a miner for asking fellow miners why the union was not organized in Logan county, another recounted the forcible explusion from Logan county of a group of organizers who went there peaceably, were not permitted to get off the train and were told "not to let their feet touch the ground in Logan county"; a third recited the manner in which a minister suspected of being a member of the union was attacked and beaten; a fourth declared that another minister was arrested and held in jail unjustifiably; still another affiadvit told the story of a miner who, after being held in jail eight days without charge, was ordered to leave the county because he was believed to be a member of the union, which he was not; a sixth told the manner in which a salesman from Philadelphia was beaten up by a deputy of Don Chafin, the sheriff, and later recovered $600 in damages from Chafin; a seventh described the assault by Chafin upon a miner who belonged to the union in another field and visited Logan to be

initiated into the Loyal Order of Moose; an eighth recounted the violent assault upon a resident of Logan who permitted his front steps to be used for a free speech meeting in connection with the miners' troubles. Many other affidavits told similar stories.

II

It is not necessary, however, to rely on evidence of this sort for information concerning the purposes of the deputy sheriffs. William H. Coolidge, chairman of the board of directors of the Island Creek Coal Company, one of the most prominent operators in Logan county, has put the conception that he and his fellow operators in Logan have of the purpose of the deputy sheriffs into words that admit of no misunderstanding. "We keep out the organizers of the United Mine Workers for exactly the same reason," he says, "that those whose pictures are in the Rogues' Gallery are kept out of lower New York." This statement was made before the Committee on Education and Labor of the United States Senate October 27, 1921. The chairman, former Senator William S. Kenyon, detained Mr. Coolidge for a moment at this point. "When you say 'keep out,' what do you mean——," asked Senator Kenyon, "keep them out of the county?"

"MR. COOLIDGE. Out of our property primarily; and apparently the sheriff says that in order to keep them away he suggests that they do not stay there—just the same——

"THE CHAIRMAN (interposing). Now, wait a minute.

"MR. COOLIDGE (continuing). Just the same as any known breaker of the law is asked, as a suspicious person, to keep away."

A few more questions and answers, and the colloquy was continued as follows:

"THE CHAIRMAN. You claim the sheriff, or the deputy sheriffs, you contributing to their salaries, have the right to drive men out of the county if they are there to organize a local of the United Mine Workers of America?

"MR. COOLIDGE. Yes . . .

"THE CHAIRMAN. So that—not arguing the soundness or lack of soundness of it, your position is that the sheriff could drive men out of the county intending to organize the United Mine Workers just as some one who was going to organize an association of bank robbers?

"MR. COOLIDGE. Sure.

"THE CHAIRMAN. Or highwaymen?

"MR. COOLIDGE. Yes.

"THE CHAIRMAN. Well, now, we have got down to the fundamental as to your thought."

That the deputy sheriffs and non-union coal operators carry out the purpose here indicated is the emphatic declaration of the United States Coal Commission. Writing of the operators, it says: "They stop the union at the mouth of the valley." Discussing the union organizer and the extensiveness of company-owned land, it says: "Once his [the organizer's] business is discovered, it is the duty of the deputy sheriffs to prevent his activity by ejecting him from privately owned property. Actually, without the consent of the operators, a union organizer can do little more than ride on a train and look out of the windows. The operators' associations do not deny that it is their determination to keep out organizers, or 'agitators' as they call them. . . . Whatever may be the legal phase, it is undoubtedly a fact that under present conditions, Logan county, as well as Mingo and McDowell counties, West Virginia, are now closed to representatives of the miners' union, especially if they engage in union activities."

III

Frequently this system of privately paid deputy sheriffs has been condemned. A commission appointed by former Governor Cornwell, of West Virginia, to investigate conditions in Logan county in 1919, reported: "This practice, from a Governmental standpoint, can and should be condemned, on the ground that no officer should receive money or remuneration from any source other than the State or county." Senator Kenyon, following the study of West Virginia conditions by the Committee on Education and Labor of the U. S. Senate in 1921, described it as "a vicious and un-American policy" and a "practice that should cease." A third condemnation is the recent one of the U. S. Coal Commission: "That, however, a public police official should be privately paid is indefensible." Despite these successive disapprovals, the practice continues.

A West Virginia statute has made the practice illegal in that state for years. "It shall not be lawful," reads this statute, for any sheriff "to appoint any deputy or deputies to act as, or perform any duties in the capacity of, guards or watchmen for any private individual, firm or corporation." Since these deputies admittedly guard company payrolls, collect rents, protect property and perform other duties for the coal companies, it would seem that this law makes their appointment illegal. The statute has been entirely in-

operative, however, the assigned reason being that it lacks a penalty clause. In January, 1923, a measure was introduced into the West Virginia legislature, known as S. B. 290, to remedy this specific defect. It imposed definite penalties for violation. The measure was referred to the Committee on Judiciary and never passed.

SIX

"YELLOW DOG" CONTRACTS

I

The "yellow dog" contract is closely bound up with the denial of civil liberties in the soft coal fields. The mine worker agrees, when he signs this contract, sometimes called an "individual contract," to have nothing to do with unionism; he agrees not to join a labor organization, not to assist others to join a labor organization and not to do any talking about unionism so long as he works for the company with which he signs up. The phraseology of most of these contracts is ironclad and inescapable. The mine worker signs away his right to join with others in the matter of collective bargaining. He is often led to do this, of course, by the necessity of getting a job; the propelling force of a family looking to one for support is strong and effective. Then, again, there is often little likelihood, in a field where the coal companies are determinedly opposing the union, that any early opportunity to become a member of the union will present itself; the mine worker may feel that any effort to hold out would be useless or that, if the opportunity should come, his signing of the "yellow dog" could be easily got around. Finally, many mine workers are not particularly disposed to scrutinize the things they sign when a regular pay envelope is the prize at stake, and put their names to a "yellow dog" contract without giving too much thought to the matter. The companies do not rest content, however, with having secured the agreement of their employees to the terms of the "yellow dog." They frequently follow these up by applying for, and obtaining, injunctions restraining representatives of the union from trying to induce the employees of the companies to "break their contracts of employment." This is an effective method of compelling the union to show regard for the agreement which the non-union miner has made.

Here is the phraseology of a "yellow dog" contract in use in Mingo county, West Virginia. It is typical of many others:

"The said party of the first part [the Company] agrees that so long as the relation of employer and employee exists between the parties hereto, it will not knowingly employ any member of the United Mine Workers of America, the I. W. W., or any other labor union, organization, or association;

"The said party of the second part [the employee] covenants that he is not a member of the United Mine Workers of America, the I. W. W., or any other labor union, organization, or association, and agrees that while employed by the said party of the first part he will not become a member of, or connected or affiliated with, or aid, assist or encourage in any way, the United Mine Workers of America, the I. W. W., or any other labor union, organization or association, and further agrees that while in the employment of the said party of the first part he will not make any effort to unionize, or attempt to unionize, the mines of the said party of the first part, or to persuade or to induce, or attempt to persuade or induce, any of the employees of the said party of the first part to join the United Mine Workers of America, the I. W. W., or any other labor union, organization or association."

Similar contracts are used extensively in other parts of the unorganized fields in West Virginia, in Pennsylvania, in Kentucky, in Alabama and elsewhere.

This contract "is closely tied up," says the United States Coal Commission, "with the suppression of civil liberties." Its statement to that effect is in its report on LABOR RELATIONS IN THE BITUMINOUS INDUSTRY. In its report on Civil Liberties it says that such an agreement "is no more justifiable than any other form of contract which debars the individual from employment solely because of membership or non-membership in any organization." The contract is further referred to as "a source of economic irritation." It is described as "not a free-will contract" and the Commission recommends that its use be abolished.

SEVEN

CIVIL LIBERTIES AND INJUNCTIONS

I

Civil liberties may be denied through injunctions despite the fact that these are granted by judges and have the weight of judicial approval behind them. Many injunctions in industrial disputes have nothing to do with civil liberties, being directed against violence, coercion, intimidation, improper use of pickets and other illegal conduct. Here we are concerned only with pointing out some of the broader clauses of injunctions, clauses that go beyond restraining people from specific illegal acts, and deprive them of liberties ordinarily considered legal and proper.

Many injunctions issued in soft coal controversies have been so sweeping and vague that they have left the persons enjoined guessing as to what they might or might not do, requiring them to ascertain the limits of conduct allowed them at the peril of being imprisoned for contempt of some court if they do not happen to make deductions that correspond to the intention of the court itself.[1]

This question is becoming more important daily, for our courts are showing a disposition to be more sweeping and inclusive in the kinds of acts enjoined, rather than to be seeking a means of making injunctions more definite and predictable in their scope.

II

Two propositions in regard to the proper scope of injunctions ought to be kept in mind in considering the effect of these legal restraints upon men's conduct. These have been laid down by courts of high authority. The first is that *an injunction should not be issued in such general terms that the person enjoined cannot ascertain what specific acts he is forbidden to commit.*

[1] The discussion of injunctions given herewith is based on the report to the U. S. Coal Commission of the Committee of Inquiry on Coal and Civil Liberties, of which Zechariah Chafee, Jr., professor of law at Harvard University, was chairman. It does not attempt, of course, to do more than treat suggestively a few aspects of this large subject.

Many injunctions issued by inferior courts in disputes in the coal mining fields, binding upon the persons affected, have contained such vague and general terms that the individuals enjoined have been left at a loss to know what they are forbidden to do.

Among clauses of this character, taken from injunctions referred to the United States Coal Commission, are those which prohibit the defendants from "interfering in any lawful manner" with the plaintiffs; from doing "any act or thing that will suppress or unduly limit the rights of the plaintiff to employ non-union labor"; from "doing any act or thing that will in any way interfere with or restrain free competition among those seeking employment of the plaintiffs"; and "from in any manner interfering with the lawful right of the plaintiffs to employ such laborers as they may choose." These clauses are all from injunctions that have been actually issued.

One injunction goes so far as to forbid the defendants "from in any way interfering with the plaintiff, its agents or employees, in the conduct or operation of its mines." This sweeping prohibition might restrain a competitor from opening a mine nearby that would interfere with the operation of the plaintiff's mine.

Such clauses oblige the defendants to ascertain at their peril what acts are unlawful. They require them to read the judge's mind, to guess in advance what construction he will place upon his own words, and to run the risk of imprisonment for a mistake in divining his meaning. Their effect is to send defendants to lawyers to learn what they have a right to do. Chancellor Wadsworth, New York judge, in a leading case, Laurie v. Laurie, declared that "the language of an injunction should in all cases be so clear and explicit that an unlearned man can understand its meaning." "The defendant should not be put to the necessity," said Chancellor Wadsworth, "of employing counsel to advise him what he has a right to do." That is precisely what is required in the case of words so inclusive and general as those quoted.

III

The second principle to be kept in mind is that *an injunction should be limited to unlawful acts and not also forbid lawful acts.* This principle appears to be strained by injunctions forbidding "all mass meetings," several of

which have been issued; forbidding all use of money that may be used to assist "in unionizing the mines of these plaintiffs"; prohibiting the defendants from representing to any person that he is likely to suffer some loss or trouble in continuing in or in entering the employment of the plaintiff, and forbidding the use of "persuasion" to induce persons not to enter the plaintiff's employment. Two injunctions have been brought to notice forbidding the maintenance of tent colonies. Ownership of all the houses in mining towns by the operators usually necessitates the moving out of miners who go on strike. Since they naturally do not want to leave the neighborhood entirely, they often live in tents, frequently erected for them by the union on land not belonging to the coal companies. The United States District Court for the Southern District of West Virginia granted an injunction in 1922 to the Borderland Coal Corporation and many other companies joining in the same suit, forbidding the United Mine Workers of America to maintain tent colonies in Mingo county, or to furnish money or merchandise to the inhabitants of such colonies. A similar injunction was granted in 1923 to the Quemahoning Creek Coal Company in Somerset county, Pa.

One of the most far-reaching clauses ever inserted in an injunction is that which was contained in an injunction obtained by the Pond Creek Coal Company from the United States District Court for the Southern District of West Virginia, prohibiting the defendants from saying that a strike existed in the Pond Creek coal field. Specifically, this injunction enjoined the defendants "from advertising, representing, stating by word, by posted notices, or by placards displayed at any point in the State of West Virginia or elsewhere, that a strike exists in the Pond Creek Field, or at plaintiff's mines, and from warning, or notifying persons to remain away from said Pond Creek Field or from plaintiff's mines."

Injunctions disregarding either of the propositions above laid down must be regarded as operating to deprive citizens of their liberty in violation of law. They go beyond the necessary use of injunctions to protect people or corporations in the exercise of rights and possession of property and to hold others to conformity to law. They are an invasion of liberties and as such ought to be opposed by courts and by public opinion

EIGHT

SUPPRESSING MEETINGS IN PENNSYLVANIA

I

One day a group of men walked over from a village with the strange name of Nant-y-Glo, in Cambria county, Pennsylvania, to a place called Jewtown in the same county. There they planned to hold a meeting with other people from the village of Colver. Many residents of the two places assembled on a lot in Jewtown, obtained specifically for the purpose, and had a good time for most of the afternoon. They listened to a band, talked, played games and indulged in various amusements.

Just as they were about to break up and start home, three members of the Pennsylvania State Constabulary, mounted, rode up with a local deputy sheriff. "Get that fellow with the flag," called one of the state policemen, referring to John Jones, who was carrying an American flag. The others made for Jones. In the confusion that followed, the troopers rode their horses into several people, knocking a man and a boy into the excavation being dug for a new house, frightening many, causing women to scream, and producing a mild panic. The man who was knocked into the excavation suffered a badly hurt hip. Jones was arrested, taken before a justice of the peace, given a fine of $10 for disorderly conduct, and told to go home. The meeting was effectively broken up and the crowd was dispersed.

This story illustrates one type of interference with civil liberties that goes on in non-union parts of the soft coal fields. The men who thus saw their meeting broken up had, only a few days before, gone on strike in company with their organized brothers in many states. The strike was the nation-wide strike that began April 1, 1922, and the meeting was held April 8. The men were holding a perfectly proper and peaceable meeting, to which no one had the legal right to object. Nevertheless, the state constabulary descended upon it and put it to rout. Later, be-

lieving that a record of what happened would be worth while, some of the men put the facts into sworn statements. Copies of these were supplied to a special deputy attorney general of Pennsylvania who was investigating alleged misconduct by the state police, Mr. T. Henry Walnut, and to the U. S. Coal Commission.

II

This was only one of numerous instances of similar interference with men's liberties that were called to Mr. Walnut's attention. He investigated a great many of these personally and found that there was enough truth in the charges made to warrant him in making a statement for the Committee of Inquiry on Coal and Civil Liberties, which was duly transmitted to the U. S. Coal Commission. Excerpts from that statement will be given later.

Another meeting that was broken up, this time a mass meeting at which speakers were being heard, was held at Brownsville Junction on May 9. Several thousand people assembled in the open air and two organizers of the United Mine Workers of America, James Rich and Samuel Pangburn, were scheduled to speak. Just as the meeting was beginning, a crowd of mounted state policemen, said to number twenty-five, rode up, followed by several automobiles containing other men. The automobiles were said to have machine guns concealed inside. An officer of the state police jumped on the platform and refused to permit the meeting to go on. He remained with his men on the scene until the assembled thousands had all gone home.

Some days later, on May 21, an open air mass meeting at Collier, Fayette county, Pa., was interrupted after it had been in process for an hour. A union organizer named Frank Dobbins had spoken and was about to be followed by Organizers John Grecula and James Rich, when Capt. Herbert Smith, of the State Police, arrived and said that he brought orders from the sheriff of the county, I. I. Shaw, to disperse the meeting.

At Fairchance, Fayette county, a meeting in the open air was broken up by members of the constabulary on May 24. Some time later miners were holding a meeting in a garage at Jefferson, Greene county, when four state policemen arrived and said that they had orders from Sheriff Phillips to keep all windows down and the door closed. The result was that the garage became so hot inside—the temperature

rose to 95 degrees, it is said—that the miners felt obliged to abandon their meeting.

At Crucible, Pa., miners held a mass meeting at noon, April 21, and were returning to their homes along a public road when three members of the state constabulary appeared, accompanied by a local constable who was also mounted. The constable drove his horse into the crowd, apparently with the intention of riding men down. The three state policemen used their clubs on men until the entire group were forced to run. They were driven off the road, across a railroad track, and the police did not stop clubbing them until they got into a belt of woodland beyond where the horses could not follow.

In none of these instances, as in practically none of the many others that occurred in these Pennsylvania towns at this time, were arrests made of those who thus interfered with the lawful rights of miners.

III

Mr. Walnut, who is a prominent Philadelphia lawyer and at present head of the State Workmen's Compensation Commission, began his statement to the Committee of Inquiry on Coal and Civil Liberties by saying that the struggle between non-union operators and the union, arising out of the 1922 strike, was similar to a political campaign. Each side, he said, "had to sustain the morale of its followers and go out for converts." In view of the character of the struggle, he said, meetings and assemblages of all sorts were an important feature. "There was complaint made by the miners that their meetings and assemblages were interfered with by the police. I consider this complaint justified." Mr. Walnut then examined the proclamations that were issued by sheriffs of a number of Pennsylvania counties at the outset of the strike. These directed all peace officers "to disperse and prevent upon the highways or vacant property of all populous sections the loitering or gathering of three or more persons," and contained other instructions. Subsequently a proclamation was issued by Governor Sproul also, forbidding "the assembling of crowds in or near points where there is public excitement, and the marching or moving of large bodies of people from place to place during industrial disturbances." After quoting these provisions, Mr. Walnut continues:

"I understand that these proclamations were interpreted literally by the police in the field and by the sheriffs as forbidding all assemblages which were held in the open. As a great many of the union meetings were held in the open, the holding of them became matters of grace rather than of right.

"The proclamations based their attitude upon the serious character of the emergency. Just how necessary these strict provisions were in preserving order is a matter of opinion. The difficulty in arriving at a true conclusion in discussing the matter with persons having direct knowledge of the situation is due to the fact that little distinction is made between measures required to preserve order and those which are of advantage in breaking a strike.

"So far as my own inquiry is concerned, I could find no case in which a miner's meeting was disorderly of itself, nor any case in which a meeting led to disorder. In some counties they were held regularly under the permission of the sheriff or the state police officer in charge of the local detail.

"There was considerable complaint on the part of some of the men with whom I discussed the matter that the speeches delivered at the meetings were calculated to inflame the minds of those present to the point where they would go out and commit violence.

"These speeches were designated as 'red' or 'radical.' This is, of course, not a sound reason for prohibiting meetings. From an anti-union point of view radical speeches included practically everything that advocated strike.

"As to the soundness of the proclamations as a matter of law when interpreted as indicated above there is considerable doubt. My conclusion is, however, that on a number of occasions meetings on private property were interfered with by the police without sound reason.

"Another class of complaints concerned the private police of the coal companies. It was maintained, and I believe justly, that this branch of the police system was concerned primarily with advancing the interests of their employers by preventing any intercourse between the union organizers or sympathizers and the non-union men employed by the coal operators; that as a result of this attitude men were stopped on the highways, abused, and arrested without real legal reason. It is manifest that this is a natural incident to privately paid police.

"Some of the acts of the police officers complained of may have been justified, but in many cases the legal reasons given were simply technical excuses for an exercise of authority not required for the enforcement of the laws of the Commonwealth, but deemed advisable in advancing the interest of their employers."

Carefully as Mr. Walnut's statement is worded, it constitutes a clear assertion that the rights of miners were interfered with during the 1922 coal strike in Pennsylvania. His testimony has the advantage of being that of a state official whose interest in the matter was simply that of learning the facts.

NINE

THE NATIONAL GUARD OF ALABAMA

I

Has the National Guard of a state, when called into active service, the authority to suppress all meetings, to disperse all persons assembled, and to prohibit all discussion? This was done not long ago by the National Guard of Alabama, and the fact has raised the question whether the mine workers in the coal fields of that state did not suffer an infringement of their civil rights. In presenting the facts to the United States Coal Commission, the Committee of Inquiry on Coal and Civil Liberties, which first drew public attention to this situation, said:

"Our evidence shows that the National Guard, officially and by specific order of its Commanding General, prohibited and forbade all meetings, assemblies and speeches of whatever sort, even down to the regular business meetings of union locals in their own lodge halls. This evidence is the official record of the National Guard itself. There is no dispute about the facts. We know of no precedent for the orders of the National Guard on this occasion. Our purpose in presenting this record to you in a report on the violation of civil rights is that we believe it is a grave matter when, in a democracy, all assembly and discussion, no matter how peaceable and law-abiding, can be arbitrarily and effectively checked by the fiat of the officer in command of the National Guard. Had martial law existed in the Alabama coal counties during this period the questions raised would have been somewhat different. But there was no martial law and no contention of martial law. The National Guard was called into the active service of the state to preserve the peace and assist in enforcing the laws. It proceeded to do so by suppressing all assembly and discussion."

The occasion was the strike, which attracted considerable attention at the time, in the coal fields of Alabama in 1920-

21. The United Mine Workers of America had been trying to organize the miners of the state; Alabama had been almost entirely non-union for many years. Failing in their effort to induce the operators to negotiate, the union called a strike. A bitter struggle ensued, which was ended when Governor Kilby, acting as personal arbitrator, settled all points against the union and crushed the strike. To-day the union has almost no foothold in the state.

II

One of the first acts of General Robert E. Steiner, who was placed in command of the National Guard troops and ordered to the coal fields within ten days of the beginning of the strike, was to issue an order prohibiting "all meetings and assemblies tending to cause disorder, and marching in bodies." This was known as "General Order No. 1," and was confined to meetings "tending to cause disorder."

It is interesting to note the authority upon which General Steiner relied for issuing this order. He cited an act of the Alabama legislature, passed in 1919, which, he said, conferred upon the National Guard of Alabama "all the powers and rights given to the Regular Army under what is known as the National Defense Act." He said that it also gave to the Alabama National Guard the right to prevent all meetings and assemblies calculated to cause a breach of the peace, and all conduct tending to do so.

Now, the act of 1919 declares that "all provisions of the National Defense Act in so far as they relate to the National Guard of Alabama . . . are hereby declared to be a part of the military laws of the State of Alabama." The National Defense Act is the act of Congress of June 3, 1916. But the provisions of the National Defense Act referring to the National Guard deal only with the organization of the Guard. They do not mention the matter of powers and duties. There is nothing in them to confer upon the Guard of any state the right to suppress meetings and discussion. It is difficult to see, therefore, where General Steiner got the authority for his "General Order No. 1."

In breaking up meetings called by the miners, General Steiner despatched bodies of guardsmen in trucks to various points at which meetings had been called and ordered the crowds to disperse. A number of meetings were scheduled

for Sunday, September 26. Guardsmen went from place to place, telling the crowds that they could not meet and instructing them to go home. Upwards of a hundred guardsmen made up the party that visited these places. The man who was then sheriff of Jefferson county, J. C. Hartsfield, was asked to accompany the troops and act as guide and says, in an affidavit executed for the Committee of Inquiry on Coal and Civil Liberties, that the crowds broke up without disorder.

III

If official documentary admission that such meetings were broken up be needed, it is to be found in a report made by General Steiner that night to Thomas E. Kilby, governor of the state. "I had troops at all the points," wrote General Steiner, "who dispersed the crowds and refused to permit any speaking."

In these early days of the strike one meeting was broken up at which William L. Harrison, then a member of the Alabama legislature and now a member of the City Commission of Birmingham, was forced to suspend a speech that he was delivering.

These meetings were of great importance to the miners who wanted to hold them. The opportunity to sustain the morale of those who had joined the strike and to make converts among others was vital to their cause. When their meetings were taken away from them, one of their most effective weapons was stricken from their hands.

If General Steiner's first order prohibited only those meetings "tending to cause disorder," why, it will be asked, did he now suspend all meetings? The explanation lies in the fact that he quickly changed that order. He proceeded to a suspension of all meetings in the open; it was meetings in the open, of course, that were most favorable to the making of converts. When the assemblies for Sunday, September 26, were announced, General Steiner issued "General Order No. 2," which recited: "Mass meetings and assemblies in the open will be dispersed." He prohibited also "speakings or addresses made within the territory over which jurisdiction has been taken" by the National Guard. The only assemblies permitted to the miners by this order were those held in the regular lodge rooms of the union locals.

The prohibition even of these was the final step that

robbed the miners of Alabama of every right to come together for purposes of common discussion. General Steiner proceeded to inform the miners that their union locals could not meet in their regular places of meeting, halls owned or leased by the locals and used by them for business as well as speech-making purposes.

He based this prohibition upon resolutions passed at a conference of union representatives December 10 in Birmingham. It so happens that picketing in Alabama is illegal. These resolutions, nevertheless, instructed the president of each local to appoint a picketing committee and evidently authorized a policy of picketing. Without waiting to invoke the law against picketing or to bring about the discovery and punishment of individuals guilty of unlawful conduct, General Steiner issued a long memorandum to the press, cited the anti-picketing law, declared that the "man who unlawfully interferes with the working of one who desires to work" becomes a law-breaker—nobody had been found guilty in a court of violating the statute and the courts were fully functioning—and flatly forbade the miners to hold any more meetings in their local union halls. This evidently was his conception of the proper legal penalty for breaking a criminal statute; and he imposed it, as said, before anybody had been properly found to be guilty.

IV

Several interesting questions are raised by this act of General Steiner's. First, if the anti-picketing law had been violated, who violated it? Did all the members of union locals in Alabama violate it, or did only those who voted for the resolution at the meeting and those who actually assisted in picketing? The law makes picketing a misdemeanor, and that is a crime. Crime has always been an individual, personal matter under our legal system; to punish the commission of a crime, you must find the person who committed it. General Steiner's act proceeds on the theory that all who would have attended regular meetings in the union lodge halls had become violators of law.

Second, whose prerogative was it to punish the guilty, if guilty there were? General Steiner was there to assist the civil authorities. The courts were in full operation. All ordinary authority of government was being exercised, at least in theory. If a law had been violated, was it not the

duty of the courts to ascertain the fact in the usual manner and to discover who the guilty parties were?

Third, assuming that there were guilty and that they had been found, what was the penalty? The anti-picketing law itself fixes the penalty. This is either fine or imprisonment. General Steiner did not wait for fine or imprisonment. He closed the doors to local union halls and said: "You cannot meet here." Upon persons who had not been found guilty of violating any statute he imposed a blanket punishment of a kind not mentioned in any law and invented by himself, and he did not wait to discover whether he had any authority in the matter.

No wonder the committee of which Professor Chafee was chairman said to the Coal Commission: "We believe that your Commission ought to consider whether there was not here an interference with the proper exercise of proper rights."

The constitution of the state of Alabama declares that "the military shall, in all cases and at all times, be in strict subordination to the civil power." It declares also that "the citizens have a right, in a peaceable manner, to assemble together for the common good and to apply in those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstance."

If the National Guard of Alabama exceeded its proper authority in this matter, thousands of miners of Alabama were the sufferers, and there is no guarantee that the same excess of authority may not be committed somewhere else at another time.

TEN

WHAT CAN BE DONE?

I

In considering ways to restore civil liberties where they are denied, attention should be given chiefly to conditions that are typical and more or less permanent. Incidental violations of civil liberties will probably always occur so long as there is conflict in the soft coal fields. Among such incidental violations are interferences with individuals by policemen, occasional suppression of meetings when there is no general program of suppression, sporadic violence against both persons and property, and acts of autocracy committed by operators who are not joined in such acts by their fellow employers.

For the remedying of incidental violations like these reliance must be placed chiefly, probably, upon the greater care of public authorities in the locality, upon the more alert and conscious part played by mine workers in the election of officials, upon a more rigorous protection of their own interests by mine workers generally, upon a local public opinion so informed that oppressive and improper acts will not be committed, and upon a more courageous, prompt and intelligent participation by local, district and national organizations of the United Mine Workers of America in the protection of miners' interests and the prosecution of offenders against those interests. Local attorneys and public-spirited people of all professions have here an opportunity to render real service to the preservation of civil liberty by espousing the part of those whose liberties have been infringed. Anyone living in the neighborhood of coal mines and looking for a chance to help adjust the industrial difficulties that arise from time to time cannot do better than take advantage of such opportunities.

II

Serious as such interferences with liberty are, still more serious are those conditions that deprive people of their

normal rights and are at the same time permanent, widespread and parts of deliberate purpose or policy. One of these is the payment of deputy sheriffs by coal companies and their use to serve the companies' interests, including the exclusion of union representatives from the districts. The idea that deputy sheriffs, no matter how paid, have a right to "drive men out of the county whose purpose is to organize a miners' union, just as they would have to drive out men who came to organize an association of bank robbers," as put by the chairman of the board of directors of a large coal company to a Senate committee, should be relegated once and for all into the contempt and oblivion that it deserves. Local opinion should see to it that deputy sheriffs, even while they continue to be paid by coal companies, adhere more strictly to a reasonable conception of their duties. More careful watching of their conduct by officials charged with that responsibility, especially the sheriff, would help toward this end. This makes the election of the sheriff in counties where soft coal is produced in large quantities a thing of vital concern to the liberties of many people. Here is another of those opportunities that confront people living in soft coal fields to be of service to their communities and to help maintain an equitable relationship between the two factions in the industrial dissension. Still more important, perhaps, because more directly springing from the party whose liberties are in jeopardy, is a fuller alertness by the miners themselves and by the union wherever it is in a position to make its influence felt.

But that these deputy sheriffs should continue to be paid by coal companies is not to be thought of. That is the verdict of the United States Coal Commission. A West Virginia statute, as we have seen, makes this illegal, but the law has been inoperative through the omission of a penalty clause, though some attorneys contend that that is not an insurmountable obstacle to its enforcement. A bill to remedy that defect failed of passage at a recent session of the West Virginia legislature. Some legislative remedy of the privately paid deputy sheriff system is probably possible.

III

A better remedy, because striking more at the root of the necessity which, according to many operators, exists for the private deputy, is the maintenance of an adequate police

force by the county. Here one comes up against the question of adequate funds for such a purpose, and this rests on taxation. The public treasuries of coal-mining counties have not appeared to be much richer than those of other counties; yet coal companies have insisted that, because of the great value of their properties, they needed a larger police force for protection. Mining land has been commonly taxed on the basis of capital value, like agricultural land; this has kept its tax yield down to a very low point. Economists are now coming to the view that mining property ought to be scientifically taxed on the basis of output, since it is output that determines its real worth. If this were done, counties in which mining property is located would be far better off financially and could not then complain, probably, of being too poor to provide whatever police force is necessary.

The question of taxation, in connection with deputy sheriffs, is of interest only in those counties where the coal companies permanently maintain a small force of privately paid deputies. Small as this force is in relation to the larger numbers imported for emergencies in some counties, such as those in Pennsylvania during the strike of last year, it is doubtful whether so many deputies are needed. That they are useful in keeping the union at arm's length, as well as in performing more legitimate duties, is an argument for bringing their numbers up to a higher level than the more legitimate duties would require. As for the other counties, where hundreds and, in the case of Fayette county, Pa., thousands, of men were rushed in hurriedly to be commissioned as deputies and turned directly over to coal companies, who paid and armed them, there is here no justification whatever for such a proceeding except the frank one of preparing to fight by force any attempt the union may make of trying to organize the mines. Until local opinion becomes strong enough to prevent such hurried recruiting of armed bands, the state legislature finds a way to check it, or some other method of prevention is arrived at, the miners of these localities seem destined to be in for war every time they try to assert their right to join a labor union.

IV

"Yellow dog" contracts ought to be abolished by public opinion, or by legislation, or both. That these are "no more justifiable than any other form of contract which debars the

individual from employment solely because of membership or non-membership in any organization" is the opinion, already quoted, of the U. S. Coal Commission. Legislatures might declare that a contract which requires a person to forswear his right to join a labor union is invalid, and courts might hold them to be against public policy. Something can be done short of that, however. Occasionally, owners and managers of coal mines have refused to permit this form of coercion to be used at their mines, and it is conceivable that a more just policy, in regard to the exercise of the right of joining a labor union by their employees, might become more general among non-union coal companies. To help to bring it about is an opportunity before every one who has an interest in such things.

At the bottom of much of the denial of civil liberties in the soft coal fields is the company-owned town. This, through the effective nature of the control exercised over "intruders," through the documents that pass for leases, through the invoking of "trespass" laws and all the other protections surrounding private property, not only keeps the mine worker much in the position of the domestic servant occupying a room in his master's house, but enables the operator, if he wishes, to harass and prosecute the mine worker for many small infractions. Coupled with it is the ever-present fear of losing your home the moment you lose your job.

V

That the conditions of the mine workers living in a company-owned town can be improved even though the town remains company owned cannot be denied. As the U. S. Coal Commission has pointed out, the leases that were reviewed in Chapters III and IV of this pamphlet need not be tolerated. Their more objectionable features can be outlawed by law-making bodies and "self-respecting American miners" themselves can, by united action, take the remedy into their own hands and insist upon fairer leases. Public opinion in the coal-mining fields can be a powerful support to the mine workers in this effort.

The question arises, however, whether the company-owned town as we now know it needs to exist. In the past it may have performed a serviceable function by affording the elements of civilization in a frontier wilderness. The conditions of the frontier wilderness have largely ceased to exist

in the soft coal fields, however. The coming of larger numbers of families, until to-day most soft coal fields are fairly populous, the development of a more sensitive public consciousness in regard to the relations between employer and employee, and specifically the rise of the struggle over unionism, have brought evils in the train of the company-owned town that overbalance its advantages. The company-owned town lends itself too readily to the acts of despotism; it is in itself a despotic thing.

There is no reason to suppose that it cannot be abolished. Most company-owned towns have several hundred inhabitants, not a few as many as a thousand, and some are even larger. A progressive process of incorporation could be set on foot among coal-mining towns that would eventually set soft coal miners free from the dominance that now weighs upon them. This would give the residents of such towns collective control over many of the conditions that now are the product of paternalism. It would entitle them to decide for themselves who could and could not enter their own houses, it would give them control over the use of streets and roadways, it would permit them to meet and take combined action on matters more freely than they do now, it would throw off the yoke of living perpetually on somebody else's property under conditions that he prescribes.

VI

The problem of transfer, while difficult, is not insoluble. Property on which houses, stores and other parts of coal-mining towns are located is not usually very valuable. It straggles along the railroad track, borders the bed of a creek, or runs back from the mine mouth and is not itself, except possibly in rare instances, an essential possession to the coal-mining company. The chief difficulty to incorporation is the point of view of the coal-mining companies. They are not likely to give up easily what is so obviously a thing of strategic importance to them in their control over the conditions under which their miners live. Incorporation is far more prevalent in union fields than in non-union.

No more fruitful subjects of study and investigation than this could can be pursued by the person interested in greater freedom for those hundreds of thousands of mine workers who are now denied many of their normal rights. By learning to what extent mining towns in your locality are incorporated, the possibilities of incorporation, the best methods

for bringing incorporation about, and by discussing and agitating this aspect of the subject with others in your locality, you can prepare a public opinion and a fund of suggestions for this reform that may have effective results later. Incorporation was suggested by the United States Coal Commission as a measure that might be insisted upon by miners themselves. A demand with their support would have a strong ally at its back.

Beyond incorporation, as beyond most of the remedies suggested in this discussion, lies nationalization of the country's coal mines. Nationalization has usually been discussed in reference to other aspects of the coal-mining industry, such as the high prices secured for coal, waste, and other matters. It would have an obvious effect, however, upon the question of the liberties of the mine worker. It would not only remove most, if not all, of the incentive for depriving him of his normal rights, but it would automatically bring about such a change in his status that much of the denial of those rights would disappear. Nationalization is too large a subject to be discussed in a pamphlet of this length, and so we do no more than suggest its relation to the topic of the pamphlet.

VII

Through this chapter has run the suggestion that, in the last analysis, the most effective efforts toward winning elementary civil rights for mine workers must come from mine workers themselves. They are the best champions of liberty who have known what it is to be deprived of liberty. It is not from the men who now daily pass privately paid deputy sheriffs, however, who now work under the conditions imposed by the "yellow dog" contracts and who now are informed in long leases whom they may and may not receive in their homes, that hope lies. These men can doubtless do something. They can keep their spirits strong and, when opportunity comes they can join with their fellows in the organized fields to step out from the dark places of their dependence and breathe the air of freedom. But they are employees and breadwinners and their first obligation is to keep their jobs and make a living.

It is to their more fortunate brothers in the organized fields, the members of the United Mine Workers of America, that they must look for the most effective assistance. The United Mine Workers of America is the one continuing

organization that has a stake in the conditions in the non-union fields. To its leaders the call is most insistent for courage and readiness to help non-unionists. Heretofore, the union, though having made much headway in non-union fields, has not shown that determined perseverance and unanimity of purpose in its own councils that would have enabled it to make greater progress. The national officers have not always pulled together with harmony, the district officials have not always received needed help from headquarters in Indianapolis, local territories with fights on their hands have not always been supported as they should have been and have sometimes been left to go it alone. The public, in so far as it takes an interest in civil liberties, has a right to expect full co-operation and eagerness to help from the union itself. Indeed, unless something more than co-operation is forthcoming from the union, matters are not likely to be improved much. The public has little means to organize its interest. The union is an organization ready. Since only persistent attack ever removes conditions so deeply rooted as are many of those in the non-union soft coal fields, the union is the only body with the power to sustain such an attack and with the advantage of being inside the industry that is equipped to carry on the struggle. Both the miners who wish their infringements of liberty abolished, and the interested public, have a right to expect leadership and courage in this matter from the United Mine Workers of America.

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